



PUBLIC NOTICE

Federal Communications Commission
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**BROADBAND DATA TASK FORCE, WIRELESS TELECOMMUNICATIONS
BUREAU, WIRELINE COMPETITION BUREAU, AND OFFICE OF ECONOMICS
AND ANALYTICS SEEK COMMENT ON COMPETITIVE CARRIERS ASSOCIATION
PETITION FOR DECLARATORY RULING OR LIMITED WAIVER REGARDING
THE REQUIREMENT FOR A CERTIFIED PROFESSIONAL ENGINEER TO
CERTIFY BROADBAND DATA COLLECTION MAPS**

WC Docket No. 19-195

Comment Date: 14 days after publication in the Federal Register

Reply Comment Date: 21 days after publication in the Federal Register

The Broadband Data Task Force, Wireless Telecommunications Bureau, Wireline Competition Bureau, and the Office of Economics and Analytics seek comment on a Petition for Declaratory Ruling or Limited Waiver (Petition) filed by the Competitive Carriers Association (CCA) requesting that the Commission issue a declaratory ruling to clarify that Broadband Data Collection (BDC) filings may be certified by a qualified professional engineer or an otherwise-qualified engineer that is not a licensed professional engineer accredited by a state licensure board.¹

The Commission's rules require that an engineer review and certify the accuracy of the broadband availability data submitted by mobile and fixed providers as part of the BDC.² This requirement was adopted to ensure that filers have engaged in the analysis necessary to meet Congress's objective of developing more accurate broadband coverage data.³ In particular, the Commission requires each mobile and fixed service provider to include certifications as to the accuracy of its data submissions by a certified professional engineer or corporate engineering officer, in which the engineer certifies "that he or she has examined the information contained in the submission and that, to the best of the engineer's actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct and in accordance with the service provider's ordinary course of network design and engineering."⁴ This certification is in addition to the corporate officer certification required by the

¹ Petition of Competitive Carriers Association (CCA) for Declaratory Ruling or Limited Waiver, WC Docket No. 19-195 (filed May 13, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/1051393345823>.

² 47 CFR § 1.7004(d).

³ *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Third Report and Order, 36 FCC Rcd 1126, 1145, para. 45 (2021) (*Third Order*).

⁴ 47 CFR § 1.7004(d); Broadband Deployment Accuracy and Technological Availability Act, Pub. L. No. 116-130, 134 Stat. 228 (2020) (codified at 47 U.S.C. §§ 641-646) (Broadband DATA Act); 47 U.S.C. § 642(b)(4); *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Second Report and Order and Third Further Notice of Proposed Rulemaking, 35 FCC Rcd 7460, 7486, para. 61 (2020).

Broadband DATA Act and the Commission in the *Second Order and Third Further Notice*.⁵ For government and other third-party entities that submit verified broadband availability data, the engineering certification must also include a certification by a certified professional engineer that he or she is employed by the government or other third-party entity submitting the verified broadband availability data and has direct knowledge of, or responsibility for, the generation of the government or other entity's Broadband Data Collection coverage maps.⁶

In its petition, CCA asserts that the “experience and expertise developed by [Radio Frequency (RF)] engineers through their work provides comprehensive skills relevant to broadband deployment [and] provides skills comparable to, and perhaps more relevant than, general licensure through the PE . . . exam process.”⁷ CCA therefore requests that the Commission clarify that the requirement in 47 CFR section 1.7004(d) that all providers must include as part of their BDC filing a certification of the accuracy of its submissions by a certified professional engineer may be completed by either a licensed professional engineer or an otherwise qualified engineer who possesses the appropriate engineering expertise but does not hold a professional engineer license.⁸ Additionally, CCA requests that the Commission clarify that the term “corporate engineering officer” may be any employee who has “direct knowledge” and is “responsible for” the carrier’s network design and construction and who possesses a Bachelor of Science degree in Engineering.⁹ Alternatively, CCA requests a limited waiver of the requirement that BDC data be certified by a licensed professional engineer, and instead allow mobile providers to certify their data with an RF engineering professional with specified qualifications that are directly relevant to broadband availability assessment.¹⁰ CCA recommends that if the Commission seeks to specify qualification standards or requirements for engineers to certify broadband availability, it should adopt standards that specifically relate to broadband availability assessment, such as academic and employment experience, RF and propagation modeling experience, and knowledge relevant to wireless carriers’ networks.¹¹

We seek comment on these and other issues raised by the Petition as they may impact both fixed and mobile broadband service providers.

Filing Requirements. Interested parties may file comments on or before the date indicated on the first page of this document.¹² All filings must refer to **WC Docket No. 19-195**. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).¹³

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing ECFS: <https://www.fcc.gov/ecfs/>.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

⁵ *Third Order*, 36 FCC Rcd at 1144-45, para. 43; 47 U.S.C. § 642(b)(4).

⁶ *Third Order*, 36 FCC Rcd at 1152, para. 63; *see also* 47 CFR § 1.7004(d).

⁷ Petition at 6-7.

⁸ Petition at 8; *see also Third Order*, 36 FCC Rcd at 1144-45, para. 43.

⁹ Petition at 9.

¹⁰ Petition at 9-10.

¹¹ Petition at 9-10.

¹² *See* 47 CFR §§ 1.2, 1.405, and 1.419.

¹³ *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.¹⁴

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Government Affairs Bureau at (202) 418-0530.

Ex Parte Rules. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenters written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf).¹⁶ Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information regarding this proceeding, please contact Will Holloway, Wireless Telecommunications Bureau, at william.holloway@fcc.gov or Kirk Burgee, Wireline Competition Bureau, at kirk.burgee@fcc.gov.

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¹⁴ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (Mar. 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

¹⁵ See 47 CFR §§ 1.1200 *et seq.*

¹⁶ *Id.* § 1.1206(b).